



Ontario

Ministry of
Community and
Social Services

Adoption Disclosure Services

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Since the 1920s, there have been over 200,000 adoptions in the province of Ontario.

If you were involved in one of those adoptions, you may now be able to obtain more information about it. This pamphlet explains how.

If, however, you do not want any information that identifies you released, this pamphlet will also tell you how your privacy is protected.

Adoption is a highly sensitive matter, and while there has been a move in recent years to greater openness in the disclosure of adoption information, many people still have a concern for confidentiality.

Legislation passed by the Ontario government in 1987 — and explained in the following pages — attempts to strike a balance between the right to know and the right to privacy.

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Some important definitions.

Some words and phrases in this pamphlet have specific definitions which you must understand if you are to read it correctly. Here are some key words and what they mean:

Adopted person: any person who has been legally adopted in Ontario.

Birth parent: an adopted person's biological mother or father, and a person whose consent to the adoption was given or dispensed with.

Birth sister, birth brother: a child of the same birth parent as an adopted person (can include a birth parent's adopted child or a person whom the birth parent has demonstrated a settled intention to treat as a child of his or her family).

Birth grandparent: any parent of a birth parent.

Birth relative: a birth sister or birth brother, aged 18 or over, or a birth grandparent of an adopted person.

Adoptive parent: a person who has legally adopted a child.

Identifying information: information whose disclosure, alone or in combination with other information, will in the circumstances reveal the identity of the person to whom it relates.

Non-identifying information: any information that is not identifying information; for example, general information about ethnic background.

Adoption Information Unit: a unit of the Ontario Ministry of Community and Social Services that maintains provincial adoption records, provides counselling and investigative services related to the disclosure of adoption information, and operates the Adoption Disclosure Register.

Adoption Disclosure Register: a register operated by the Adoption Information Unit of the Ontario Ministry of Community and Social Services, for the purpose of registering persons' requests for the disclosure of identifying information related to adoptions in Ontario.

The Registrar: the Registrar of Adoption Information (also referred to as the Registrar of the Adoption Disclosure Register), an employee of the Ministry of Community and Social Services who is responsible for maintaining the Adoption Disclosure Register, ensuring the provision or availability of counselling for persons receiving adoption information, and the carrying out of searches.

Child and Family Services Review Board: a review board under the Child and Family Services Act, 1984, one of whose duties is to review decisions to refuse non-identifying or identifying adoption information to which a person is otherwise entitled.

How much adoption information is on file?

Information about adoptions completed in Ontario may be on file in any one of several places.

Children's aid societies keep files on the adoptions they arrange. Since 1979, when agencies and individuals could be licensed to place children for adoption, they too have kept adoption files. The Ontario government has also kept records of all adoptions completed in the province since 1921.

The basic record for any adoption consists of certain legal papers and any background information gathered at the time of the adoption. But the only other information on file is that which has been provided in a few instances by the people involved, in the years since the adoption took place.

The Ontario government now encourages adopted persons, adoptive parents, birth parents, and birth relatives to update adoption records with important information.

Depending on how much information was collected initially and how much updated material has been provided, the file on the adoption in which you were involved may contain a fair amount. Or it may contain very, very little.

What kind of adoption information is on file?

Information about an adoption can be divided into two kinds.

Non-identifying Information. This information gives general background, but does not identify any individuals.

If you are an adopted person, this might include information about your birth parents' ethnic background, type of occupation, level of education, religious affiliation, and interests. It might also

include the general circumstances that led to the adoption, and any non-identifying medical information about your birth parents or birth family.

If you are a birth parent or birth relative, non-identifying information may include general information about the adoptive family and any information which may be on file about the health and development of the adopted child.

Identifying Information. The second kind of information, available to you only under certain circumstances, is information that reveals the identity of another person involved in the adoption.

Non-Identifying Information

Who can obtain non-identifying information?

If you are an adopted person 18 or over, a birth parent, an adoptive parent, or a birth relative 18 or over, any non-identifying information on file about the adoption is available to you on request.

Adopted persons under 18 may request non-identifying information with their adoptive parents' consent.

Where can non-identifying information be obtained?

The first place you should go to request non-identifying information is the children's aid society that arranged the adoption. The society is authorized to release to you any relevant non-identifying information they have on file.

If the adoption was arranged privately, your request should go to the licensed individual or agency who arranged it, or to the Adoption

Information Unit of the Ontario Ministry of Community and Social Services in Toronto.

Should you not know who arranged the adoption, contact the Adoption Information Unit of the ministry.

To help answer any questions you may have about the non-identifying information you receive, counselling services are available to you through children's aid societies, agencies and individuals licensed to arrange adoptions, or the Adoption Information Unit. You may also want to discuss whether you wish to request identifying information.

Identifying Information

Who can obtain identifying information?

Identifying information about the adoption in which you were involved is available to you, under certain circumstances, if you are an adopted person 18 or over, a birth parent, a birth grandparent, or a birth brother or sister 18 or over.

How is identifying information obtained?

Because identifying information is sensitive, and because the privacy of other individuals is involved, a series of steps is involved in obtaining it.

Step 1: Obtaining of all available non-identifying information. Before you decide to ask for identifying information, it is often helpful to have whatever general background information is available. For many, that information is enough, and they decide not to proceed with further enquiries.

The first step, then, is to obtain all the available non-identifying information.

Step 2: Registration with the Adoption Disclosure Register. The Register is a record of adopted persons 18 or over who want to obtain identifying information about their birth parents or birth relatives; and birth relatives who want to obtain identifying information about children from whom they were parted by adoption, and who have now grown to adulthood.

The Register is maintained by the Registrar of Adoption Information in the Adoption Information Unit of the Ontario Ministry of Community and Social Services in Toronto.

You can have your name added to it by contacting either your local children's aid society, or the Adoption Information Unit. Registration simply involves filling out a form. Qualified staff are available to talk with you about the implications of registration before you complete the form.

Step 3: Check of the Register for matching registrations. Once you have registered, the staff of the Adoption Information Unit check to see, for an adopted person, if a birth parent or birth relative has also registered; and for a birth parent or birth relative, if the adopted person has registered.

If you are an adopted person, and there is no match, you are notified by letter and given a form on which to request the Registrar to conduct a confidential search for your birth parent or birth relative, if that is your wish. It is usually recommended that the birth parent be sought first, unless there are special circumstances that make this inappropriate. If you choose not to request a search, your name will remain on the Register and you will be advised if a member of your birth family registers.

If you are a birth parent or birth relative, and there is no match when you register, you will be notified. Your name will remain on the Register, and you will be advised when the adopted person registers.

Step 4: Mandatory counselling. If a match is found, or if a search locates a birth parent or birth relative, the next step is for each of you to meet separately with a counsellor to discuss the process.

Counselling is mandatory because the release of identifying information will have an impact on both your life and the lives of others close to you. The counsellor's role is to help you think through the implications of receiving and disclosing identifying information for everyone involved: you, your children, your spouse, or your parents. The counsellor is also there to answer any questions you may have and to be sure you understand what is involved in giving your consent to the release of identifying information.

Any new non-identifying information that has become available is also exchanged at this point.

Step 5: Consent to disclosure. After counselling, each of you is given the opportunity to consent to the release of identifying information. But unless both of you agree, no such information is released, except in an emergency or other special circumstances (see page 11).

Step 6: Release of identifying information with counselling. Should you both consent, identifying information is released to you separately. Once again, the counsellor is present to answer your questions, to serve as a sounding-board for thoughts and feelings, and to discuss the possibility and implications of a reunion.

Step 7: Reunion. The last step is an actual reunion. The timing and circumstances are entirely up to you and the other person involved. But the counsellor is available, if you wish, to serve as a go-between in making the arrangements and to help you deal with any concerns or questions that may arise following a meeting.

It is important to note that, once you have registered with the Adoption Disclosure Register, you are in no way forced to proceed with the remaining steps. At any point, you can stop the process and refuse to have any identifying

information disclosed. However, if you later change your mind, you can contact the Register to continue the process.

There is no fee for registration or for the disclosure services of the Adoption Information Unit or a children's aid society.

Can an adopted child under 18 obtain adoption information?

Adoptive parents are encouraged, at their own discretion, to share non-identifying information with their adopted children.

Adopted children under 18 can, with the consent of their adoptive parents, request non-identifying information, but it is usual for a counsellor to try to involve the adoptive family in the sharing of the information.

No identifying information is released to adopted children under 18, except when required in exceptional circumstances to protect a person's health, safety, or welfare.

How long does it take to obtain information?

Hundreds of requests for adoption information are received each year.

As a result, it can sometimes take a long time to get the information you are looking for; and because each request and each adoption file is different, it is impossible to suggest an "average" waiting period.

Be assured, however, that your request will be handled fairly and as soon as possible.

How is the privacy of those who do not wish to be identified protected?

Under all but the most exceptional circumstances, information that could identify you to another person involved in the adoption cannot be released without your consent.

Several other safeguards also protect your privacy.

Searches for non-registered birth parents and birth relatives are conducted with great care for confidentiality. For example, a member of the staff of the Adoption Information Unit who is attempting to make telephone contact with a birth parent will take care not to disclose the purpose of the telephone call to any other family member.

If, as a non-registered birth parent or birth relative, you are located by a search, you can refuse to agree to the release of identifying information. No additional effort will be made to persuade you to register.

If you are concerned about your identity becoming known or about being sought out, you may find it helpful to call a counsellor at the Adoption Information Unit or a children's aid society to discuss your concerns. You may also put on record the fact that you do not wish to be contacted or to have your identity disclosed.

Even if you have registered with the Adoption Disclosure Register, you have the option at any point in the steps leading to disclosure to end the process and refuse permission for disclosure.

In an emergency, or other special circumstances, can identifying information be released without the consent of the individual it identifies?

Under very exceptional circumstances, involving someone's health, safety, or welfare, the Registrar of Adoption Information can review the situation and make a decision to release identifying information without the consent of the person it identifies. However, the Registrar only exercises this authority when it is determined that the situation is life-threatening, or otherwise very serious; and every effort is made to find the person whose consent would be required, to explain the situation.

If a search uncovers the fact that an adopted person, birth parent, or birth relative has died or appears to lack the capacity to consent, the Registrar will also consider release of information identifying that person. Such a release is not automatic, however. The Registrar decides on a case-by-case basis, taking into account the situation of the people involved.

Can the release of identifying information to one person lead to the identification of another who wishes to remain anonymous?

This is a possibility in some circumstances; for example, if a birth parent does not register, but the adopted person and a birth grandparent do. If the latter two become identified to one another, there is a strong chance that the identity of the birth parent may also be revealed, by the birth grandparent.

The Adoption Information Unit, however, would attempt to avoid this by stressing, in the counselling of the registered parties, the importance of the birth parent's privacy. As well,

depending on the situation, an attempt could be made to locate the birth parent to discuss the implications of the disclosure with him or her.

In situations like this, the staff of the Unit would not disclose the identity of an unregistered birth parent or birth relative and would make every effort to protect his or her privacy.

Will the Ontario government search for any person involved in an adoption?

If you are an adopted person who has registered with the Adoption Disclosure Register, and if no matching registration is found from your birth parent or a birth relative, you are informed by letter and asked if you would like the Registrar to conduct a search. You are free to make that request then or at a later date. If you decide not to ask for a search, your name stays on the Register.

It is important, therefore, that the Registrar be advised of any change of address or telephone number.

When your search request is received, your name is put on a waiting list, arranged in order of the date of your original registration. In other words, those whose names have been longest on the Register are given the highest priority.

The search is conducted by the Unit staff, based on what information is on file, and great care is taken to keep the search discreet and confidential. For example, in any phone calls where the staff attempt to make contact with a birth parent or birth relative, the purpose of the call is never revealed to anyone else who may answer the phone. And should your birth parent or birth relative be located, but wish to remain unidentified, the process ends immediately.

There is no fee for a search.

The legislation does not, at the moment, authorize

the Registrar to search for an adopted person at the request of a birth parent or birth relative.

How are reunions arranged?

If you and another person agree to exchange identifying information, you may also wish to arrange a face-to-face reunion.

The counsellor who met with you during the release of the information is also available to help arrange the reunion. Such meetings take many forms, and the timing and circumstances are up to the individuals involved.

If you wish, the counsellor can also be present at the reunion and can help you deal with any questions you may have at that time.

What is meant by “counselling” and why is it necessary?

The counselling provided to you as part of the disclosure of adoption information does not suggest that you are unable to handle the situation. The counsellor is a person who has had experience with adoptions and the release of adoption information, a person with whom you can share thoughts and feelings. He or she is there to answer questions and to help you, and those affected by the disclosure, consider the issues and implications involved in releasing and receiving information, and in a reunion.

The use of the counsellor’s services is suggested when you apply for non-identifying information, but is mandatory when identifying information is sought. While it is a requirement, the extent of the counselling is largely up to you.

Counselling is provided by trained personnel from a children’s aid society, an agency or individual licensed to arrange adoptions, or the Adoption Information Unit of the Ontario Ministry of Community and Social Services.

Do most people seek information about the adoption in which they were involved?

Many never seek any information. Some seek non-identifying information. And a fairly small number want more specific details. Statistics show, for instance, that only 6 to 8 per cent of adopted persons attempt to discover the identity of their birth parents or relatives.

While it's perfectly normal to be curious, it's also perfectly normal not to be.

What are the rights of the adoptive parents concerning the release of information to and about their adopted children?

No identifying information about adopted children under 18 is released to the birth parents or birth relatives, except when the Registrar of Adoption Information judges that an individual's health, safety, or welfare is seriously threatened and requires the disclosure. In such situations, the adoptive parents would be involved whenever possible.

In addition, the access of adopted children under 18 to non-identifying information is through, or with the consent of, their adoptive parents, who are encouraged to share this information as their children are growing up. Counsellors are available to assist them in doing so.

Does an adopted person's reunion with the birth family weaken relationships in the adoptive family?

Adoptive parents sometimes fear that their adopted son's or daughter's contact with a birth parent may weaken or destroy a relationship it has taken years to build. In fact, studies show that in almost every case where adoptive parents support their adult children's quest for information, relationships in the adoptive family are strengthened.

However, counselling services are available, on request, for adoptive parents whose grown children are in the process of making contact with birth parents.

Can adoption information be withheld?

In exceptional circumstances, where there is reason to believe that the release of information may result in serious physical or emotional harm to someone, that information may be withheld.

If the person who has been refused information disagrees with the decision, he or she has a right to a hearing before the Child and Family Services Review Board.

How can information be obtained about adoptions completed outside Ontario?

If your adoption was planned and completed entirely outside Ontario, no information will be on file in the province. However, the staff of the Adoption Information Unit of the Ministry of Community and Social Services will probably be

able to refer you to the appropriate authority to help you pursue your enquiries.

If, however, the adoption took place *from* Ontario but was completed elsewhere, the children's aid society, licensed individual, or agency that arranged it, or the Adoption Information Unit can release to you any relevant non-identifying information it has on file. Should you wish to know more, the Unit can advise you about the appropriate steps to take.

If you want to know more about the disclosure of adoption information in Ontario and how it could affect you, contact the Adoption Information Unit or a children's aid society. Your enquiry will be handled in complete privacy.

The Adoption Information Unit
Ministry of Community and Social Services
2nd Floor 700 Bay Street
Toronto, Ontario
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Phone: (416) 963-0709

Outside Toronto, call toll-free for more information: 1-800-387-5477

To find the name and address of the nearest children's aid society, consult your telephone directory.



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